

SUMMARY
STATE ELECTION BOARD MEETING
214 State Capitol, Suite 450
Atlanta, Georgia 30334
Monday, December 10, 2007
10:00 a.m.

1. Chairperson Handel called the State Election Board (SEB) Meeting to order at 10:05 a.m. with a roll call. A quorum was established with Jeff Israel, Tex McIver, Karen Handel, David Worley, and Randy Evans in attendance. Chairperson Handel called the first order of business with the Invocation by Jeff Israel and the Pledge of Allegiance.
2. Chairperson Handel called for public comment, and there being none, she moved to the next order of business, approval of minutes.
3. Chairperson Handel asked if there were any comments or changes on the September 25, 2007 minutes. David Worley requested the spelling of Michael Chablanski be changed to Michael Jablonski on page 4 of 10, paragraph 3. Pending this correction, Randy Evans made a motion to approve the minutes, Jeff Israel seconded, motion passed unanimously.
4. Chairperson Handel moved to the next order of business, the Inspector General cases.
5. The Inspector General, Shawn LaGrúa, presented the following cases:
 - a. SEB Case No. 2006-000019 Calhoun County - Shawn LaGrúa stated this case involved convenience voting and not properly distributing polling precinct cards outlining the new locations. Ms. LaGrúa recommended that the Board or the Attorney General's (AG) Office issue a Cease and Desist Order with corrective instructions and sanctions. Ms. LaGrúa stated Ed Collier, Calhoun County Attorney, had been extremely cooperative in resolving this matter and would agree to a Consent Order. Mr. Collier spoke briefly stating once the problem was realized, the Election Superintendent immediately advertised in the newspaper and radio and stated they have since gone from convenience voting to following the state law. After confirming with Mr. Collier the Election Superintendent had completed her certification and this issue had been corrected, Chairperson Handel moved to issue a letter of concern to ensure the problem has been corrected. After a brief discussion, Chairperson Handel amended her previous motion and moved to refer the case to the AG's office and that a formal Cease and Desist Order be issued. David Worley seconded the motion; the motion passed 4-1 with Randy Evans voting against.
 - b. SEB Case No. 2006-000037 Elbert County – Shawn LaGrúa stated they received correspondence on Friday from the Attorney, Bill Daughtry, for the Respondent and Elbert County requesting a continuance. The Board granted a continuance.
 - c. SEB Case No. 2007-000012 Habersham County - Shawn LaGrúa stated this case originally involved violations discovered during monitoring in September and the Election Superintendent, Ann Jarrell was notified of the violations. Upon returning for the next election, the violations had not been corrected but in fact were worse. Ms. LaGrúa recommended this case be referred to AG's office with sanctions and mandated training. Ms. Runyon, Attorney, and Jim Butterworth, Chairman of the Commission, briefly spoke and Attorney Douglas McDonald spoke on behalf of Ann Jarrell. Randy Evans made a motion to add the Habersham County Commission as a Respondent, David Worley seconded; motion passed unanimously. Mr. Evans then made a motion to refer the case to the AG's office for a Cease and Desist Order to include corrective action. David Worley seconded and the motion passed unanimously.

- d. SEB Case No. 2007-000014 Lowndes County – Shawn LaGrua stated this case involved the September 18, 2007 Special Election in which Courtney Griner is alleged to have improperly assisted voters by marking an “X” as their signature. Ms. LaGrua recommended this case be referred to the AG’s office. Chairperson Handel stated upon reviewing the code, there wasn’t a clear definition for the meaning of “disabled” and that this was an area the Board would provide some recommendations at a later time with guidance from the AG’s office. Randy Evans made a motion to accept the recommendation and refer the case to the AG’s office. Tex McIver seconded; the motion passed unanimously.
 - e. SEB Case No. 2007-000023 City of Walnut Grove - Shawn LaGrua stated this case involved the November 6, 2007 General Election. It was alleged the City Clerk, Laura Henderson had a bias against the Mayoral candidate, Ealton Hudgins, that she voiced publicly during his qualifying. The investigation revealed that only after being asked a question by Mr. Hudgins did Ms. Henderson make a comment. Ms. LaGrua recommended this case be closed. Randy Evans made a motion to accept the recommendation to close this case. Tex McIver seconded; the motion passed unanimously.
 - f. SEB Case No. 2007-000025 Forward Avondale Political Committee - Shawn LaGrua stated this case involved an allegation that the Forward Avondale Political Committee did not have proper listing of officers on the signs they put out. Ms. LaGrua recommended closing this case based on the precedent set by the Supreme Court (McIntyre case) and the opinion given by the AG’s office that we should not attempt to enforce this law as McIntyre has indicated it is inappropriate. Chairperson Handel stated this is another area of the code that should be updated to reflect this recent decision. Tex McIver made a motion to accept the recommendation to close this case. Jeff Israel seconded; the motion passed unanimously.
 - g. SEB Case No. 2007-000030 City of Riverdale – Shawn LaGrua stated this new case is a result of monitoring during advance voting on September 13, 2007 in which Investigator Romona Dyer discovered several violations. Investigator Dyer made the violations known to the City Clerk, Stephanie Thomas. Investigator Dyer returned on September 18th and discovered other violations existed. Ms. LaGrua recommended this case be referred to the AG’s office for a Cease and Desist with reprimands, training mandates, and fines. Deanna Johnson, City Attorney, spoke briefly on behalf of Ms. Thomas. Randy Evans made a motion to accept the recommendation and refer the case to the AG’s office. Tex McIver seconded; the motion passed unanimously.
6. Chairperson Handel stated they were ahead of schedule and instead of breaking for Executive Session, they would continue with the next agenda item; the Attorney General’s cases.
7. Calandra Almond, Assistant Attorney General, presented the following cases:
- a. SEB Case No. 2005-000055 City of Americus – Calandra Almond stated it was alleged that Mayoral candidate, James Bryant, improperly assisted six (6) voters with their ballots. Mr. Bryant originally denied the allegations and the case was sent to OSAH. Mr. Bryant then admitted to the conduct and wanted to resolve the case. Calandra Almond recommended the Board accept the Consent Order which includes a Cease and Desist Order, a reprimand, and a \$600 fine. Randy Evans made a motion to accept the recommendation. David Worley seconded; the motion passed unanimously.
 - b. SEB Case No. 2006-000051 Fannin County – Calandra Almond stated this was originally heard at the June SEB meeting and involved allegations of improperly trained personnel. The Fannin County Board admits there are some problems and they’re taking corrective measures. Ms. Almond recommended the Board accept the Consent Order which includes a Cease and Desist order and a reprimand. Randy Evans made a motion to accept the Consent Order, Jeff Israel seconded; the motion passed unanimously.

8. Calandra Almond provided a handout outlining the current status of cases in the AG's office.
9. Chairperson Handel announced there was a handout for informational purposes only that listed contested elections as of November 28, 2007. Chairperson Handel moved to the next agenda item.
10. Randy Evans asked for an update on the Chattooga County case. Inspector General, Shawn LaGrua, stated she's in constant contact with the attorney and would hope to have a more detailed update at the next SEB meeting.
11. Legislative Update – Rob Simms gave a status briefing on SB 71, HR 811, and the new bill being considered by Congressman Holt. Mr. Simms also briefed on upcoming 2008 Legislation and Photo ID Outreach.
12. Elections Update - Michael McCarthy briefed on the Presidential Preference Primary, current and upcoming training, and county and municipal elections.
13. Chairperson Handel called for a motion to break for Executive Session. At 12:17 p.m., Randy Evans made a motion to break for Executive Session, Tex McIver seconded; motion passed unanimously.
14. At 1:48 p.m., Tex McIver made a motion to reconvene the meeting, David Worley seconded; motion passed unanimously.
15. Chairperson Handel stated no action was taken during Executive Session and called for the next agenda item.
16. Wes Tailor briefed the status of Proposed Rules and the Procedures of Rules.
17. Chairperson called for any other business.
18. David Worley wanted to let the Board know that he has received several calls regarding municipal elections and how they're conducted. He suggested that maybe it should be mandated that municipal elections be conducted by the county.
19. Randy Evans requested a date be set to hear the Fulton County case(s).
20. Randy Evans made a motion to adjourn the meeting, David Worley seconded, motion passed unanimously. Being no further business, the meeting was adjourned at 2:20 p.m.